

**REMARKS**

Claims 1-4 and 6-12 remain in the application. Applicant respectfully requests re-examination.

The disclosure was objected to on the grounds that numerical indicator "2" in paragraph 23 should be --42.-- Applicant has made the correction. Applicant respectfully requests that this objection be withdrawn.

The specification was objected to for failing to provide proper antecedent basis for certain of the claim subject matter as set forth in the Office Action.

Applicant has amended the specification where required, to track the language of the claims. Applicant has also inserted numerical indicators in the claims where appropriate so that the elements discussed in the claims can be easily identified in the drawings. The amendments have been made without adding any new matter.

Applicant respectfully requests that this objection be withdrawn.

Claim 1 and all claims depending from claim 1 were rejected under 35 U.S.C. §112 because it was unclear as to whether the container is part of the claimed combination. Applicant respectfully traverses.

The container 20 is clearly identified as the tub of the spa for holding water, which has a top rim 15. The body of the claim specifically sets out that the spout 13 is mounted on the top rim 15 of the container 20.

Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 2, 4 and 9-12 were rejected under 35 U.S.C. §102(b) as anticipated by *Ruthenberg* (US 5,249,744). Applicant respectfully traverses. *Ruthenberg* clearly does not show "a light source (43) attached to the bottom of the spout at the mouth to inject light into the water

flowing out of the spout.” Moreover, *Ruthenberg* does not show, teach or contemplate “the water inlet (29) is a separate part from the plenum chamber (23) that fits into and is permanently fastened to the walls (24) of the plenum chamber (23).”

Applicant respectfully requests that this rejection be withdrawn.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Ruthenberg*. Applicant respectfully traverses.

Applicant reasserts here the arguments set forth above for the patentability of claims 1, 2, 4, 9 and 12 over *Ruthenberg*.

Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over *Ruthenberg* and *Koren et al* (US 6,375,342). Applicant respectfully traverses.

Claim 5 has been cancelled and its limitations inserted into claim 1, specifically the limitation “a light source (43) attached to the bottom (17) of the spout (13) at the mouth (14) to inject light into the water flowing out of the spout (13).”

*Ruthenberg* does not contemplate utilizing a light source of any kind as the Office Action recognizes. *Koren et al* is directed to providing light in a specific manner around a waterfall. *Koren et al* teaches that the output ends 42 of his respective individual fibers of his fiber optic cable are disposed in the holes 40 of fiber conduit 38 so as “to direct light downward onto surfaces 44 located under the waterfall 32.” *Koren et al* does this because the “light emitted from the fiber ends 42 illuminates the surface of the wall 24 and the pool of water 26 under the waterfall 32.” *Koren et al* gives specific reasons for why he wants to do this at column 2, lines 48-55.

Applicant respectfully submits that *Koren et al* does not show, teach or contemplate “a light source (43) attached to the bottom (17) of the spout (13) at the mouth (14) to inject light into the water flowing out of the spout (13).”

Applicant respectfully requests that this rejection be withdrawn.

Claims 1 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ruthenberg* and *Simpson et al* (US 6,450,418). Applicant respectfully traverses.

Applicant submits here the arguments set forth above in favor of the patentability of claim 1.

Furthermore, *Simpson et al* is directed to providing an interchangeable outlet cap which is quite different from a bezel that fits around the spout after it is mounted.

Applicant respectfully requests that this rejection be withdrawn.

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ruthenberg* and *Koren et al* and further in view of *Simpson et al*. Applicant respectfully traverses.

Applicant reasserts here the arguments set forth above in favor of patentability of claims 1 and 6.

Furthermore, none of these references show, teach or contemplate a flat fiber optic array.

Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ruthenberg* and *Koren et al* (US 6,367,100). Applicant respectfully traverses.

The Office Action asserts that *Koren et al* '100 discloses an inlet 14 with a separate inlet structure 25. Applicant respectfully submits that *Koren et al* is directed to a waterfall structure that has a separate outlet, rather than a separate inlet, by way of its upper and lower locking lips.

Applicant respectfully submits that the combination of *Koren et al* with *Ruthenberg* is based purely on hindsight, since no such combination is structurally possible.

Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendment and remarks, Applicant believes that all the claims remaining in the application are allowable and requests that they be allowed and this application passed to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 5, 2006.

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Very truly yours,

**SNELL & WILMER L.L.P.**



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